



Samuel and Polly Borntrager
5210 Highway Y
Clark, MO 65243

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Violation: August 31, 2011

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to provide adequate veterinary care to your dogs by not using appropriate methods to prevent, control, diagnose, and treat diseases and injuries. During an inspection conducted on the above date, APHIS observed 14 adult dogs and 45 puppies on the second floor of the facility. The puppies, ranging in age from 1 to 7 weeks old, were displaying varying degrees of heat stress such as splaying on their backs or sides, staying separated from each other, and general lethargy. Adult females were panting excessively with wide open mouths, tongues lolling, and/or moving repeatedly between a standing and laying position not allowing puppies to nurse.

Date of Violation: August 31, 2011

9 C.F.R. § 3.3(b) Sheltered housing facilities.

(b) Ventilation. The enclosed or sheltered part of sheltered housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air-conditioning, must be provided when the ambient temperature is 85 °F (29.5 °C) or higher.

You failed to provide auxiliary ventilation when the ambient temperature was above 85 degrees F. During an inspection conducted on the above date, APHIS observed 14 adult dogs and 45 puppies on the second floor of the facility. The animals were exhibiting signs of discomfort, such as panting excessively, lying splayed out, and behaving lethargically. The facility had no air-conditioning, fans, or any other type of active ventilation system. APHIS determined the temperature to be approximately 97 degrees, and the humidity at 71%, with a heat index of approximately 108 degrees inside the building.



Date of Violation: August 31, 2011

9 C.F.R. § 3.6(a)(2) Primary enclosures.

Primary enclosures for dogs and cats must meet the following minimum requirements:

- (a) General requirements.
- (2) Primary enclosures must be constructed and maintained so that they:
 - (iii) Contain the dogs and cats securely;
 - (x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

You failed to provide primary enclosures that contain the dogs securely and have floors that are constructed in a manner that protects the dogs' feet and legs from injury, and do not allow the dogs' feet to pass through any opening in the floor. APHIS conducted an inspection on the above date, during which APHIS observed a gap at the bottom of an enclosure that was large enough for a puppy to pass through into another enclosure, and an adult dog that could stick its head through a gap in its primary enclosure. APHIS also observed fifteen (15) puppies in whelping enclosures with 1 inch x 1 inch mesh flooring. Numerous puppies' legs were completely through the meshing and they were having difficulty moving.

Date of Violation: September 1, 2011

9 C.F.R. § 2.126(a) Access and inspection of records and property.

- (a) Each dealer, exhibitor, intermediate handler, or carrier, shall, during business hours, allow APHIS officials:
 - (1) To enter its place of business;
 - (2) To examine records required to be kept by the Act and the regulations in this part;
 - (3) To make copies of the records;
 - (4) To inspect and photograph the facilities, property and animals, as the APHIS officials consider necessary to enforce the provisions of the Act, the regulations and the standards in this subchapter; and
 - (5) To document, by the taking of photographs and other means, conditions and areas of noncompliance.

You refused to accompany APHIS on an inspection of your facility. APHIS officials informed Mrs. Borntrager that they needed to inspect your facility. She advised APHIS that she did nothing with the kennel and did not do inspections, and informed them you were across the road working. APHIS proceeded to this location and informed you they needed to conduct a follow-up inspection. You advised APHIS you were working and could not leave.

Date of Violation: September 2, 2011

9 C.F.R. § 2.126(a) Access and inspection of records and property.

- (a) Each dealer, exhibitor, intermediate handler, or carrier, shall, during business hours, allow



APHIS officials:

- (1) To enter its place of business;
- (2) To examine records required to be kept by the Act and the regulations in this part;
- (3) To make copies of the records;
- (4) To inspect and photograph the facilities, property and animals, as the APHIS officials consider necessary to enforce the provisions of the Act, the regulations and the standards in this subchapter; and
- (5) To document, by the taking of photographs and other means, conditions and areas of noncompliance.

You failed to allow APHIS officials, during business hours, to enter your place of business, and inspect and photograph the facilities, property, and animals. At approximately 10:31AM, on the above date, APHIS contacted you regarding inspecting your kennel facility. You then failed to cooperate with APHIS officials by making them wait until 11:40AM, when you consented to the inspection. However, in consenting to the inspection you refused to admit all but three (3) APHIS officials and did not allow them to document the inspection with photographs.

Date of Violation: May 8, 2012

9 C.F.R. § 3.6(a)(2)(x) Primary enclosures.

Primary enclosures for dogs and cats must meet the following minimum requirements:

- (a) General requirements.
- (2) Primary enclosures must be constructed and maintained so that they:
 - (x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

You failed to provide primary enclosures which have floors that are constructed in a manner that protects the dogs' feet and legs from injury, and do not allow the dogs' feet to pass through any opening in the floor. On the above date, APHIS observed a Yorkshire Terrier puppy in a primary enclosure with 1 inch x 1 inch mesh flooring which allowed its feet and legs to completely extend through the meshing.

Date of Violation: June 28, 2012

9 C.F.R. § 3.3(b) Sheltered housing facilities.

- (b) Ventilation. The enclosed or sheltered part of sheltered housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air-conditioning, must be provided when the ambient temperature is 85 °F (29.5 °C) or higher.

You failed to provide auxiliary ventilation when the ambient temperature in your facility was above 85 degrees F. At 2:26PM, on the above date, during an inspection, APHIS observed that the ambient temperature inside your facility was 96.1 degrees F.



At the same time, humidity levels were measured at 69.8% making the heat index approximately 108 degrees F. At the time, you did not have any auxiliary ventilation.

Date of Violation: December 6, 2012

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to provide adequate veterinary care to dogs in your facility. During an inspection conducted on the above date, APHIS observed the following:

- 1) A female Maltese (tag #39) had a brown/gray organic material on her upper and lower teeth along with swelling and redness of the gums.
- 2) A female Pomeranian had a brown/gray organic material on her upper and lower teeth along with swelling and redness of the gums. The Pomeranian also had swelling and hair loss under the left eye.

The penalty for the alleged violation(s) described above is **\$5,214**.